

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 192 OF 2005

M/S ASHOK AGENCIES REP.BY ITS
PROPRIETOR MR.V.R.PRABHU

....Petitioners

Versus

M/S SURFACE COATING INDUSTRIES
,REP.BY ITS PARTNER SHRI SHIVKUMAR
TIMMANGOUDA PATIL

....Respondents

Miss. Vanita Gaonkar, Advocate for the petitioner.

Miss. Shreya S. Naik, Advocate for the respondent.

Coram:- R. M. LODHA, J.

Date:- 15th September, 2005

P.C.

Heard Miss Vanita Gaonkar, the learned Counsel for the petitioner and Miss S. Naik, the learned Counsel for the respondent.

2. Without going into the merits of the diverse contentions, in the interest of justice, to avoid unnecessary further litigation, I grant one opportunity to the petitioner who is the defendant in Special Civil Suit No.17/2000/A to produce its witnesses on 10th October, 2005 subject to the petitioner paying a cost of Rs.5000/- to the respondent.

3. It will be the responsibility of the petitioner (the defendant) to bring its witnesses on that date. It is made clear that the Court Process shall not be issued to the said witnesses. If it is not possible for the trial Court to record the evidence of the said witnesses on 10th October, 2005, the trial Court may fix any other date and on that date the petitioner (the defendant) shall have to bring its witnesses. On 10th October, 2005 or any other date that may be fixed by the trial Court if the petitioner (the

defendant) fails to bring its witnesses, the opportunity given by me to the petitioner for production of its witnesses shall stand closed and the trial Court shall proceed with the hearing of the suit. The petitioner (the defendant) shall not be entitled to seek any adjournment on 10.10.2005 or on any date that may be fixed by the trial Court.

4. The writ petition stands disposed of in the aforesaid terms.

R. M. LODHA, J.